

Chapter 1 – Permit Program Application Checklist

This chapter contains a checklist of the materials EPA believes would constitute a “complete” CCR permit program application. EPA has developed this checklist to provide the states a quick reference to aid them in developing their CCR permit program application. These materials were discussed in detail in Chapter 2 of this document.

As explained previously, EPA encourages States who are or may be considering submitting a CCR permit program to EPA for approval to consult with EPA early in the process. Such consultations will enable EPA and the State to work through areas where the State program may be different from the federal CCR regulation. EPA intends to provide as much flexibility to the State programs as possible, consistent with the WIIN Act’s standard for approval of State programs of “as protective as” the federal CCR rule.

CCR Permit Program Application Checklist		
Row	Requirement	Notes (Complete? If N, why?)
1	Basic Application Packet Components	
2	Signed Transmittal letter	
3	A Narrative Description of the permit program	
4	Legal Certification	
5	Copies of all applicable State statutes, regulations, and guidance	
6	257 Checklist	
7	Narrative Description Components	
8	An explanation of the jurisdiction and responsibilities of all State agencies and local agencies implementing the permit program	
9	An explanation of how the State will ensure existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria	
10	A demonstration that the State meets permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and intervention in civil enforcement proceedings section	
11	A description of the State's public participation procedures as specified in the permitting requirements section	
12	State Legal Certification	
13	Signed Certification from Attorney General or independent legal counsel for the State that has full authority to independently represent the lead State agency in court on all matters pertaining to the State program	
14	Permitting Requirements	
15	State Law requires that documents for permit determinations are made available for public review and comment and final determinations on permit applications are made known to the public	
16	State procedures that ensure public comments are considered	

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Row	Requirement	Notes (Complete? If N, why?)
17	State description on public participation procedures for permit issuance and post-permit actions	
18	State law should require that all CCR units permits shall incorporate that States have the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257 subpart D or such other State criteria that has been determined and approved by the Regional Administrator to be at least as protective as 40 CFR part 257.	
19	Requirements for Compliance Monitoring Authority	
20	The State should have the authority to: (1) Obtain any and all information necessary, including records and reports, from an owner or operator of a CCR unit, to determine whether the owner or operator is in compliance with the State requirements; (2) Conduct monitoring or testing to ensure that owners and operators are in compliance with the State requirements; and (3) Enter any site or premise subject to the permit program or in which records relevant to the operation of the CCR unit or activities are kept.	
21	State should demonstrate that its compliance monitoring program provides for inspections adequate to determine compliance with the approved program	

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Row	Requirement	Notes (Complete? If N, why?)
22	A State should demonstrate that its compliance monitoring program provides processes to: (1) Verify the accuracy of information submitted by owners or operators of the CCR unit; (2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information; (3) Produce evidence admissible in an enforcement proceeding; and (4) Receive and ensure proper consideration of information submitted by the public	
23	Requirements for Enforcement Authority	
24	A State should have the authority to restrain immediately and effectively any person by administrative or court order or by suit in a court of competent jurisdiction from engaging in any activity which may endanger or cause damage to human health or the environment	
25	A State should have the authority to sue in a court of competent jurisdiction to enjoin any threatened or continuing activity which violates any statute, regulation, order, or permit which is part of or issued pursuant to the State program	
26	A State should have the authority to sue in a court of competent jurisdiction to recover civil penalties for violations of a statute or regulation which is part of the State program or of an order or permit which is issued pursuant to the State program	
27	Intervention in Civil Enforcement Proceedings	

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Row	Requirement	Notes (Complete? If N, why?)
28	A State should demonstrate that intervention is possible in the State civil enforcement process by providing either: (a) Authority that allows intervention, as a right, in any civil action to obtain remedies specified in the requirements for enforcement authority section by any citizen having an interest that is or may be adversely affected; or (b) Assurance by the appropriate State agency that: (1) It will provide notice and opportunity for public involvement in all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment); and, (2) It will investigate and provide responses to citizen complaints about violations; and, (3) It will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation	